

AMENDED IN ASSEMBLY MARCH 17, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2021

Introduced by Assembly Member Gordon

February 20, 2014

An act to amend Section ~~103399~~ 103396 of the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2021, as amended, Gordon. San Mateo County Transit District.

Existing law creates the San Mateo County Transit District with various powers and duties relative to transportation projects and services in the County of San Mateo. Existing law authorizes the district to utilize the Construction Manager/General Contractor project delivery contract method for transit projects within its jurisdiction, subject to certain conditions and requirements. Existing law requires a progress report to be prepared for the district's board of directors upon the completion of a project using this project delivery method, which report is also required to be made available on the district's Internet Web site *the district to comply with certain prevailing wage requirements with respect to that contract method, which requirements are monitored and enforced by the Department of Industrial Relations, or alternatively to elect to enter into a collective bargaining agreement that binds all of the contractors performing work on the project and that includes a mechanism for resolving disputes about the payment of wages.*

This bill would ~~require the report to be presented at a public meeting of the board of directors~~ *additionally authorize the district to meet its obligations under this provision by continuing to operate an existing*

previously approved labor compliance program, subject to approval of the Department of Industrial Relations, as specified.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 103396 of the Public Utilities Code is*
2 *amended to read:*

3 103396. (a) Except as specified in subdivision (b), the district
4 shall comply with subdivision (f) of Section 1771.5 of the Labor
5 Code and shall reimburse the Department of Industrial Relations
6 for its reasonable and directly related costs of performing prevailing
7 wage monitoring and enforcement on public works projects
8 pursuant to rates established by the department as set forth in
9 subdivision (h) of Section 1771.5 of the Labor Code on projects
10 using the CMGC project delivery method under this article. All
11 moneys collected pursuant to this subdivision shall be deposited
12 in the State Public Works Enforcement Fund, created by Section
13 1771.3 of the Labor Code, and shall be used only for enforcement
14 of prevailing wage requirements on those projects.

15 (b) In lieu of complying with subdivision (a), the district may
16 *either elect to continue operating an existing previously approved*
17 *labor compliance program to monitor and enforce prevailing wage*
18 *requirements on the project if it requests and receives approval*
19 *from the Department of Industrial Relations to continue the existing*
20 *program or enter into a collective bargaining agreement that binds*
21 all of the contractors performing work on the project and that
22 includes a mechanism for resolving disputes about the payment
23 of wages.

24 ~~SECTION 1. Section 103399 of the Public Utilities Code is~~
25 ~~amended to read:~~

26 ~~103399. (a) Upon completion of a project using the CMGC~~
27 ~~project delivery method, the district shall prepare a progress report~~
28 ~~to the board of directors. The progress report shall include, but~~
29 ~~shall not be limited to, all of the following information:~~

- 30 ~~(1) A description of the project.~~
31 ~~(2) The entity that was awarded the project.~~
32 ~~(3) The estimated and actual costs of the project.~~
33 ~~(4) The estimated and actual schedule for project completion.~~

1 ~~(5) A description of any written protests concerning any aspect~~
2 ~~of the solicitation, bid, proposal, or award of the project, including,~~
3 ~~but not limited to, the resolution of the protests.~~

4 ~~(6) An assessment of the prequalification process and criteria~~
5 ~~utilized under this article.~~

6 ~~(7) A description of the method used to evaluate the bid or~~
7 ~~proposal, including the weighting of each factor and an assessment~~
8 ~~of the impact of this requirement on a project.~~

9 ~~(8) A description of any challenges or unexpected problems~~
10 ~~that arose during the construction of the project and a description~~
11 ~~of the solutions that were considered and ultimately implemented~~
12 ~~to address those challenges and problems.~~

13 ~~(9) Recommendations to improve the CMCG project delivery~~
14 ~~method authorized under this article.~~

15 ~~(b) The progress report shall be made available on the district's~~
16 ~~Internet Web site and shall be presented at a public meeting of the~~
17 ~~board of directors.~~